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 SUN GROUP U.S.A. HARMONY CITY, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

SUN GROUP U.S.A. HARMONY CITY, INC.,

Plaintiff,

v.

CRRC CORPORATION LTD,  
 Defendant.

No. 3:17-cv-02191-SK

**FURTHER CASE MANAGEMENT  
 STATEMENT**

**Hearing Date: July 20, 2020 at 1:30 pm**

**Crtrm: C, 15th Floor**

**Judge: Magistrate Sallie Kim**

**Trial Date: April 27, 2021**

The parties to the above-entitled action submit this further JOINT CASE MANAGEMENT STATEMENT pursuant to the *Standing Order for All Judges of the Northern District of California*, Civil Local Rule 16-10(d), and the Court's April 13, 2020 order regarding a further case management statement and a status conference (ECF No. 163).

**I. JOINT STATEMENT REGARDING CASE SCHEDULE**

As the Court is aware, fact discovery in this matter is currently set to close on September 11, 2020 and subsequent deadlines have been set in accordance with the Court's ordinary schedule. These deadlines were set on June 24, 2019, at a time when CRRC's motion regarding Hague Convention discovery was not yet filed. At the time, the Court made express reference to the likelihood that the discovery deadline would need to be modified if Sun Group was ordered to serve discovery through the Hague Convention. It is Sun Group's understanding that the Chinese Ministry of Justice may take as long as a year to process its request, which was submitted promptly after the Court issued its Letter of Request on May 18, 2020.

Both because Sun Group has so far been unable to obtain discovery from CRRC and because the COVID pandemic has delayed third-party discovery, the Parties have agreed that the close of fact discovery should be continued. Based upon Sun Group's belief that its request may not be processed until May of 2021, the Parties have further agreed to continue the close of fact discovery from September 11, 2020 to September 10, 2021. Based upon the Court's prior statements, the Parties further agree that all subsequent case deadlines should be set pursuant to the Court's default schedule running from the new close of fact discovery.

Although the Parties would have no objection to the Court ordering these dates pursuant to this Joint Case Management Statement, they are willing to prepare any stipulations or other documents that may assist the Court.

**II. UPDATE ON DISCOVERY AND OTHER MATTERS**

***CRRC Discovery***

With the Court's assistance, a Letter of Request was issued on May 18, 2020 and promptly submitted to the appropriate Chinese authorities. As of the date of filing of this Case Management Statement, the official status of that request posted online is: "[t]he case has been

1 transferred to the Supreme People's Court for further processing. Please wait patiently for the  
2 result."

3 In addition, on July 7, 2020, a representative of the Chinese Ministry of Justice contacted  
4 Sun Group to request more detailed contact information for CRRC. Sun Group notified counsel  
5 for CRRC of the request the same day. CRRC has requested and received clarifying information  
6 from Sun Group, and while it has not yet provided the requested contact information, CRRC will  
7 promptly do so.

8 ***Third-Party Discovery***

9 Sun Group has worked diligently to obtain evidence from third parties.

10 Sun Group's motion to compel CRRC's alleged alter ego CRRC MA to comply with its  
11 subpoena was granted by the United States District Court for the District of Massachusetts on  
12 May 22, 2020 (Case No. 1:20-mc-91145-FDS, ECF No. 21). CRRC MA has been ordered to  
13 complete production on or before July 15, 2020. Sun Group has not been informed that CRRC  
14 MA will not comply with that order, though production is not complete as of the date of this  
15 filing.

16 Sun Group has also conducted other investigations to identify third parties with relevant  
17 information. On February 26, 2020, Sun Group served Sojitz Corporation of American  
18 ("Sojitz") with a subpoena for the production of documents related to the assistance Sojitz  
19 provided to the CRRC entities related to the MBTA contract. Sojitz has produced approximately  
20 52,000 pages of documents in response and has informed Sun Group that its production is now  
21 complete.

22 Finally, Sun Group plans to subpoena CRRC North America for a deposition and it is  
23 Sun Group's understanding that CRRC will accept service of the subpoena on behalf of CRRC  
24 North America. However, give the current global COVID-19 pandemic, Sun Group is waiting  
25 until a later date to serve the CRRC North America subpoena.

26 ***Other Matters***

27 In view of the COVID-19 Pandemic, the Parties have not scheduled a mediation.  
28

Date: July 13, 2020

**BAKER & MCKENZIE LLP**

By: /s/

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Date: July 13, 2020

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By: /s/

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**FILER'S ATTESTATION OF CONCURRENCE**

I, Frank Busch, pursuant to Local Rule 5-1(i), attest that I am counsel for Plaintiff Sun Group U.S.A. Harmony City, Inc. As the ECF user and filer of this document, I attest that concurrence in the filing of this document has been obtained from its signatories.

Date: July 13, 2020

**WAGSTAFFE, VON LOEWENFELDT,  
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By: /s/  
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